

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GEORGE HASTINGS, SR. : CIVIL ACTION
:
v. :
:
WILLIAMS G. HALLGAN LAWYER, et al.: NO. 09-1172

M E M O R A N D U M

BRODY, J. MARCH 23, 2009

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed four actions in the United States District Court for the Eastern District of Pennsylvania, which were dismissed as frivolous or for failure to state a claim upon which relief may be granted.¹

¹ Civil Action No. 05-1862 was dismissed as frivolous by Order dated April 26, 2005, Civil Action Nos. 04-3149 and 04-3150 were dismissed as frivolous by Order dated March 3, 2005 and Civil Action No. 04-3489 was dismissed for failure to state a claim upon which relief may be granted by Order dated August 3, 2004.

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied. An appropriate order follows.

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O R D E R

AND NOW, this 23rd day of March, 2009, in accordance
with the accompanying memorandum, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for leave to proceed in forma pauperis is DENIED pursuant to 28 U.S.C. § 1915(g);

2. The Clerk of Court shall mark this case CLOSED
statistically.

BY THE COURT:


ANITA B. BRODY, J.